

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

DEAN C. BOYD
vs.

CAUSE NO. 3:24-CV-496-DPJ-ASH

MISSISSIPPI DEPARTMENT OF CORRECTIONS, ET AL

DEFENDANTS

SOUTHERN DISTRICT OF MISSISSIPPI	
FILED	
OCT 21 2024	
ARTHUR JOHNSTON	
BY	DEPUTY

MOTION TO SUPPLEMENT PLAINTIFF'S ORIGINAL COMPLAINT

COMES NOW, DEAN C. BOYD, the Plaintiff, pro-se, in the above-style and the this his MOTION to Supplement Plaintiff's original complaint, and in support thereof will show unto the court the following facts: to-wit:

I.

That the Plaintiff is a inmate confine at the Mississippi Department of Correction where he remain continuously.

II.

1. That the Plaintiff bring on this motion to supplement Plaintiff's original complaint for his reason being that his case would not be complete without him supplementing that he is also under imminent danger of serious physical injury when cardiologist Dr. John Herzog prescribe him to take a sleep study for (sleep apnea) in order that his cardiologist could diagnose his heart complication when Plaintiff is present experiencing shortness of breathe, a few sharp chest pains, dizziness, at time lost of conscious, excruciating chest pain, stop breathing while sleeping, leaking heart valves etc... Plaintiff's cardiologist (Herzog) informed him not to return until ("MDOC") had completed the order he prescribed in order for him to diagnose his heart complication, this was back about April, 2024, approximately eight months ago, Plaintiff life has been at the risk of a major heart attack for the last eight (8) months, because of ("MDOC") deliberate indifference to fulfill Plaintiff's cardiologist prescription which was a sleep study to see if Plaintiff had sleep apnea, see, Sealock vs. Colorado, 218 F.3d 1205 (2000) The eighth Amendment forbids unnecessary and wanton infliction of pain, also see, Sealock vs. Colorado, 218 F.3d 1205, 1210 (10th Cir. 2000) The pain and suffering imposed by Barrett's failure to get him treatment lasted several hours, the eighth Amendment forbids unnecessary and wanton infliction of pain, Plaintiff avers that ("MDOC") has complete knowledge of Plaintiff's heart condition, and that his heart condition was sufficiently serious but has waited until September, 2024 to schedule him an appointment at North Sunflower Medical Center where a sleep study was performed upon him. the results were provided back to ("MDOC") in approximately two (2) weeks later with the diagnose that Plaintiff in fact has sleep apnea and need to

to be schedule back with the hospital sleep study department to continue his sleep study in order to assist him to the right equipment breathing machine and/or or equipment that he needs, but ("MDOC") at (MSD) medical authority has decline to purchase the sleep apnea breathing machine nor schedule any further sleep study appointments for no apparent reason, placing Plaintiff's life under imminent danger after Plaintiff has been tested within the hospital that he does has sleep apnea and critically need further sleep study and a sleep apnea breathing machine to keep him from stop breathing while sleeping and could cardiac arrest while sleep, and with ("MDOC") declining to further his sleep study is jeopardizing Plaintiff in being seen by cardiologist without pursuing his sleep study to conclusion it is an impossibility for his cardiologist to diagnose his heart complication; Yet, Plaintiff endure currently shortness of breath, fatigue, sharp chest pain, dizziness, at time lost of conscious, blood pressure drop, stop breathing while sleeping, leaking heart valves etc... UNDER IMMINENT DANGER OF SERIOUS PHYSICAL INJURY, HEART ATTACK, STROKE, CARDIAC ARREST ETC...

III.

CONCLUSION

WHEREFORE PREMISES CONSIDERED, DEAN C. BOYD, PRAY this honorable court would ENTER AN ORDER GRANTING this motion TO SUPPLEMENT Plaintiff's ORIGINAL Complaint, AND/OR ANY OTHER RELIEF DEEM EQUITABLE by this honorable court AND CONSISTENT WITH THE ABOVE MOTION.

THANKING YOU IN ADVANCE FOR YOUR TIME, ATTENTION AND ASSISTANCE IN THIS MATTER. This the 15th day of October, 2024.

RESPECTFULLY SUBMITTED,
BY: DEAN C. BOYD #167698

IV.

CERTIFICATE OF SERVICE

This is to CERTIFY that, DEAN C. BOYD, DO hereby declare that I HAVE MAILED A COPY OF THE ABOVE AND FOREGOING LEGAL DOCUMENTS AS FOLLOWS:

UNITED STATES DISTRICT COURT CLERK
SOUTHERN DISTRICT OF MISS.
501 E. COURT ST. STE. 2.500
JACKSON, MISS. 39201

ATTORNEY GENERAL
LYNN FITCH
P.O. BOX 220
JACKSON, MS. 39205

SO CERTIFIED, this, the 15th day of October, 2024

RESPECTFULLY SUBMITTED
BY: DEAN C. BOYD #167698